

Stephen W. Rupp (2824)  
**McKAY, BURTON & THURMAN**  
Attorneys for Stephen W. Rupp, Trustee  
15 West South Temple, Suite 1000  
Salt Lake City, UT 84101  
Telephone: (801) 521-4135  
Fax: (801) 521-4252  
Email: [srupp@mbt-law.com](mailto:srupp@mbt-law.com)

*Proposed Attorneys for Stephen W. Rupp, Chapter 7 Trustee*

---

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION**

---

In re:	:	Bankruptcy No. 19-29131
	:	(Chapter 7)
DAVID CHARLES NICHOLLS,	:	Honorable Kevin R. Anderson
	:	
Debtor(s).	:	

---

**DECLARATION OF STEPHEN W. RUPP IN SUPPORT OF APPLICATION OF  
STEPHEN W. RUPP, CHAPTER 7 TRUSTEE, FOR ENTRY OF AN ORDER  
AUTHORIZING THE EMPLOYMENT OF McKAY, BURTON & THURMAN  
AS COUNSEL FOR THE TRUSTEE**

---

I, Stephen W. Rupp, being of lawful age, do hereby declare and state as follows:

1. This declaration (the “Declaration”) is based upon my personal knowledge of the facts set forth herein.

2. I am an attorney licensed to practice law in the State of Utah, including all Federal courts within Utah.

3. I am an attorney with the law firm of McKay, Burton & Thurman, 15 West South Temple, Suite 1000, Salt Lake City, Utah 84101 (“MBT”). I make the statements in this Declaration based upon my personal knowledge and belief.

4. MBT has performed an electronic conflict search of its databases with respect to the Debtor David Charles Nicholls (the “Debtor”), as well as persons and entities currently believed to be connected to the Debtor.

5. Based upon these searches and other information obtained by me to date, I believe that neither I, nor any of the attorneys or other employees of MBT, have any conflicts of interest with the Debtor, creditors, any other party-in-interest, their respective attorneys and accountants, the United States Trustee, or any person employed in the Office of the United States Trustee, except as set forth herein.

6. To the best of my knowledge, neither I nor MBT has any connections with the Court of the Office of the United States Trustee that would prohibit employment under Rule 5002 of the Federal Rules of Bankruptcy Procedure.

7. MBT is a small firm located in Salt Lake City, Utah. MBT has relationships with numerous clients, some of which may be creditors or other parties-in-interest in this bankruptcy case. However, neither I nor MBT will serve any party in any other matter adverse to this bankruptcy estate. Also, there may be unrelated matters in which MBT has provided and will provide services in the near future to various creditors. In my opinion, these former and future

representations do not constitute an interest materially adverse to the bankruptcy estate in the above-captioned matter.

**Connections to Creditors or Parties-in-Interest**

8. Stephen W. Rupp, the Trustee has been a partner at MBT since 1985. I do not believe this connection constitutes an interest materially adverse to the bankruptcy estate in the above-captioned case, nor does it adversely affect MBT's disinterestedness under §327(a) of the Bankruptcy Code.

9. MBT has represented, and may continue to represent, client(s) adverse to creditors listed on the court's mailing matrix in matters unrelated to this case. In my opinion, MBT's representation of various clients adverse to these parties does not constitute an interest materially adverse to the bankruptcy estate in the above-captioned case, nor do they adversely affect MBT's disinterestedness under §327(a) of the Bankruptcy Code.

10. To the best of my knowledge, MBT does not have any connection with the Debtor, creditors or other parties-in-interest or their respective attorneys, except as set forth in this Declaration, and MBT is a disinterested person as that term is used in §101(14) of the Bankruptcy Code.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

DATED this 12<sup>th</sup> day of March, 2020.

/s/ Stephen W. Rupp  
STEPHEN W. RUPP

**CERTIFICATE OF SERVICE - BY NOTICE OF ELECTRONIC FILING (CM/ECF)**

I hereby certify that on March 12, 2020, I electronically filed the foregoing *Declaration of Stephen W. Rupp in Support of Application of Stephen W. Rupp, Chapter 7 Trustee, For Entry of An Order Authorizing the Employment of McKay, Burton & Thurman as Counsel For the Trustee* with the United States Bankruptcy Court for the District of Utah by using the CM/ECF system. I further certify that the parties of record in this case, as identified below, are registered CM/ECF users and will be served through the CM/ECF system.

Daren J. Harris dharris@summitbankruptcy.com,  
admin@summitbankruptcy.com;harrisdr62404@notify.bestcase.com;8304596420@filings.docketbird.com

United States Trustee [USTPRegion19.SK.ECF@usdoj.gov](mailto:USTPRegion19.SK.ECF@usdoj.gov)

I hereby certify that on March 12, 2020, I caused to be served a true and correct copy of the foregoing *Declaration of Stephen W. Rupp in Support of Application of Stephen W. Rupp, Chapter 7 Trustee, For Entry of An Order Authorizing the Employment of McKay, Burton & Thurman as Counsel For the Trustee* as follows:

**Mail Service - By regular first class United States Mail, postage fully pre-paid, addressed to:**

**David Charles Nicholls**  
PO Box 680016  
Park City, UT 84068

/s/ Karin Powell